



Agenda Item 2

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Legislation Committee June 13, 2008

Minutes

Chair Rubin called the committee to order at 11:50 a.m. Members attending: Azumbrado, Chu, Giacomini, Haggerty, Halsted, Lempert, Spering, Worth, and Yeager. Also attending: Commissioners Bates and Kinsey.

Minutes

Minutes of the May 9, 2008 meeting were approved following a motion by Commissioner Halsted that was seconded by Commissioner Spering.

Legislative History

Ellen Griffin of MTC staff highlighted bills of particular interest to the committee in the June 4, 2008 edition of the Legislative History. On the topic of SB 375 by Senator Darrell Steinberg (President Pro Tem-elect), Randy Rentschler of MTC staff distributed a letter from the Self-Help Counties Coalition opposing Senator Steinberg's bill about urban infill projects, a bill that MTC supports. Mr. Rentschler noted the importance of a related bill passing out of the Senate that affects the State-Local Partnership Program — and self-help counties (AB 1351).

State Legislation (Chair Rubin re-ordered the agenda at this point in the meeting)

AB 2094 (DeSaulnier) makes the Bay Conservation and Development Commission (BCDC) full, voting members on the Joint Policy Committee (JPC). The measure also gives BCDC, together with partner agencies, authority to plan for sea-level rise in the Bay. Mr. Rentschler reported that subsequent to MTC voting to support the measure, the Association of Bay Area Governments (ABAG) asked for MTC's to support an amendment to AB 2094 proposed by ABAG that a majority of BCDC members appointed to the JPC be locally elected officials. He said that to do so would require MTC to modify its current support position on AB 2094 to "support and seek amendments." Mr. Rentschler distributed a memorandum on matter, and a list of how the current BCDC membership is appointed.

Chair Rubin recognized Will Travis, executive director of BCDC. He said that his organization is made up mostly of non-elected officials. He requested two caveats:

1) flexibility beyond Jan. 1, 2009 regarding a requirement that BCDC representatives on the JPC be elected so as not to force out any of its members, and 2) be given time to work with ABAG on refinements to its amendments for AB 2094.

Chair Rubin recognized Mark Green, mayor of Union City and ABAG vice-president, who said elected officials are best equipped to be in the forefront when advocating policies and programs in a forceful manner, which eventually will be required of JPC members. But speaking as an individual, Mr. Green said a one-year grace period was reasonable for BCDC to work out its membership and appointment procedures, despite not being ABAG's current stance.

Commissioner Worth moved to support the proposed majority amendment being discussed between ABAG and BCDC, with the goal of having BCDC members be elected. Commissioner Halsted seconded. Chair Rubin said that approach would not provide incentive

for ABAG to cooperate with BCDC. Mr. Travis said he is trying to avoid a situation where ABAG and BCDC reach an agreement but have it be nullified by an official position from MTC that is different. Commissioner Haggerty said a new motion was needed, and asked Mr. Green to phrase it, which he did: support the concept of having a majority of members be elected and that a transition of BCDC members from two to an eventual four be worked out with the JPC.

Commissioner Haggerty agreed with the wording. He said the current membership of the JPC is quite large, and that six months to transition is sufficient. In response, Chair Rubin observed a significant difference of opinions and said each ought to be articulated. Commissioner Bates, acknowledging that he is not a member of the Legislation Committee, suggested supporting the bill and requesting that a majority of BCDC's membership be elected but being allowed two years to make the transition.

Commissioner Haggerty withdrew his motion. He reminded that also serving on the JPC is the Bay Area Air Quality Management District, noting that no one is asking for its concurrence. Chair Rubin said his concern is that no one agency dictate to a second agency how to determine who serves as its representative on a third agency. Chair Rubin entertained a vote on the substitute motion to support and seek amendments that a majority of BCDC members on the JPC be locally elected officials, and that BCDC be allowed a two-year period to transition its members onto the JPC. Commissioner Worth moved it, which was seconded by Commissioner Halsted and referred to Commission with no opposition.

AB 996 (Spitzer) would allow the Bay Area Toll Authority (BATA) access to certain information needed to manage FasTrak® accounts, and to collect toll charges and other fees from persons we were heretofore unable to be contacted due to confidentiality laws. Commissioner Lempert moved a position of "support" on AB 996, which was seconded by Commissioner Chu and referred to Commission with no discussion or dissention.

AB 3034 (Galgiani) updates and expands upon provisions of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, the \$9.95-billion general obligation bond measure slated to appear on the November 2008 ballot.

Mr. Rentschler said that at this point is unlikely that amendments sought by the Commission at its upcoming meeting would be considered, leaving two options — support or delay. Commissioner Haggerty said hold off, pending other possible developments. Commissioner Worth agreed. Commissioner Yeager suggested 'no position' due to the bill being in flux. In response to Commissioner Lempert asking if there are negatives to not supporting the bill, Mr. Rentschler said there are negatives to opposing it. Chair Rubin said flexibility is the order of the day, and with no opposition referred the matter to the Commission without recommendation.

State Budget Update — was received by the committee.

Federal Legislation

Tom Bulger's Report — was received by the committee.

Other Business/Public Comment/Adjourn

Under other business, Mr. Rentschler distributed poll information regarding the Transportation 2035 voter survey done in May. There was no other public comment. The committee's next meeting was scheduled for July 11, 2008. The meeting was adjourned at 12:25 p.m.